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APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. MATTHEW G. GORBET 07447.0044-0 3842 09/454,526 12/06/1999 EXAMINER 03/31/2004 PATENT DOCUMENTATION CENTER FRANKLIN, JAMARA ALZAIDA XEROX CORPORATION ART UNIT PAPER NUMBER 100 CLINTON AVENUE S., XEROX SQ 20TH FLOOR 2876 ROCHESTER, NY 14644

DATE MAILED: 03/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	
Office Action Summary	09/454,526	GORBET ET AL.	V
	Examiner	Art Unit	
	Jamara A. Franklin	2876	
The MAILING DATE of this communication apperiod for Reply	pears on the cover sheet with the o	correspondence ad	ldress
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a repl - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statute - Any reply received by the Office later than three months after the mailine earned patent term adjustment. See 37 CFR 1.704(b).	136(a). In no event, however, may a reply be tir ly within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from e, cause the application to become ABANDONE	nely filed rs will be considered timel the mailing date of this c ED (35 U.S.C. § 133).	
Status			
1) Responsive to communication(s) filed on 10 F	ebruary 2004.		
2a) This action is <b>FINAL</b> . 2b) ⊠ This	•—		
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is			
closed in accordance with the practice under I	Ex parte Quayle, 1935 C.D. 11, 4	53 O.G. 213.	
Disposition of Claims			
4)⊠ Claim(s) <u>1-13</u> is/are pending in the application.			
4a) Of the above claim(s) is/are withdrawn from consideration.			
5) Claim(s) is/are allowed.			
6)⊠ Claim(s) <u>1-6 and 11-13</u> is/are rejected.			
7)⊠ Claim(s) <u>7-10</u> is/are objected to.			
8) Claim(s) are subject to restriction and/o	or election requirement.		
Application Papers			
9) The specification is objected to by the Examine	er.		
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.			
Applicant may not request that any objection to the	, , , , , , , , , , , , , , , , , , , ,		
Replacement drawing sheet(s) including the correct	tion is required if the drawing(s) is ob	jected to. See 37 CI	FR 1.121(d).
11)☐ The oath or declaration is objected to by the E	xaminer. Note the attached Office	Action or form P7	ΓO-152.
Priority under 35 U.S.C. § 119			
12) Acknowledgment is made of a claim for foreign	priority under 35 U.S.C. & 119/a	)-(d) or (f)	
a) All b) Some * c) None of:	i priority ariaer de e.e.e. 3 i re(a	, (a) or (i).	
1. Certified copies of the priority documents have been received.			
2. Certified copies of the priority document		on No	
3. Copies of the certified copies of the prior	• • • • • • • • • • • • • • • • • • • •		Stage
application from the International Burea	u (PCT Rule 17.2(a)).		•
* See the attached detailed Office action for a list	of the certified copies not receive	ed.	
Attachment(s)			
1) Notice of References Cited (PTO-892)	4) Interview Summary	(PTO-413)	
2) D Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail D	ate	
<ol> <li>Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)</li> <li>Paper No(s)/Mail Date</li> </ol>	5) Notice of Informal F 6) Other:	atent Application (PTC	J-152)

# **DETAILED ACTION**

Claims 1-13 are currently pending.

# Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/10/04 has been entered.

# Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 3. Claims 1-6, and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Blanford (US 4,679,154).
- Blanford teaches a UPC code, having encoded data and which lies on a label 50, which is scanned by a scanner assembly 30 to decode the encoded data. When the encoded data read by the scanner 30 is determined by a microprocessor 82 to be valid, a processor 88 will transmit the data over bus 26 to a back office processor 28 which, using the data as an address, will access a

Application/Control Number: 09/454,526 Page 3

Art Unit: 2876

price look-up table 96 for retrieving the price of the merchandise item 52 being scanned. The numerical data representing the price of the item 52 is then displayed to a customer on a display member 68 (col. 4, line 18-col. 4, line 56).

# Allowable Subject Matter

- 4. Claims 7-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- 5. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record, particularly the Blanford reference, fails to teach, or fairly suggest either alone or in combination thereof, a display which includes an optical device positioned relative to the substrate to enable an observer to view the first image on the substrate through the optical device; the display displaying the second image in the optical device in order to spatially relate the second visible data in the second image to the first visible data in the first image. Also allowable over the prior art of record is the apparatus wherein the first image having first visible data and the second image including second visible data are projected onto a projection surface such that an observer sees a composite image of the first and second visible data formed by the second image overlaid and registered with the first image.

Art Unit: 2876

#### Response to Arguments

Page 4

6. Applicant's arguments entered on 2/10/04 have been fully considered but they are not persuasive. As indicated in the final rejection of paper no. 30, the independent claims cite the second image "being positioned relative" to the first image and the second image "spatially related to" the first visible data of the first image. The phrases "being positioned relative to" and "spatially related to" are hereby viewed broadly as to suggest that the second image and first image may be close to one another or far from one another since, in either case, the second image and first image would be "relative" and "spatially related" to one another.

Therefore, in the case of the Blanford reference, the UPC code on the item and numerical data representing the price of the item on the display member ARE relative to one another such that an observer sees the numerical data representing the price spatially related to the UPC code.

Furthermore, in response to the argument that independent claims 1 and 13 have been amended to address the examiner's concern as both images are viewed using the same display (or display system) and thus are in close proximity with respect to the display unlike Blanford, the examiner submits that the newly amended claims do not expressly teach that both images are viewed using the same display (or display system). Instead, the examiner interprets the claims to suggest that the first visible data of the first image and the second visible data of the second image are seen spatially related, with either the first visible data or the second visible data viewed using the display.

Art Unit: 2876

# Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamara A. Franklin whose telephone number is (571) 272-2389. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jamara A. Frankli Examiner Art Unit 2876

IAC

JAF March 19, 2004 UPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 2800